

## Section 1311 - Peddlers and Solicitors

**1311.01 Purpose.** The City Council finds that in some cases unscrupulous individuals have posed or may pose as legitimate peddlers and solicitors for the purpose of harassment, nuisance, theft and other unlawful acts committed against residents of the City. The purpose of this Section is to impose reasonable regulations and restrictions on peddlers and solicitors so as to prevent illegitimate individuals who may be engaged in unlawful activities from posing as legitimate peddlers and solicitors. This Section is not intended to interfere with legitimate business activities, whether local or interstate.

**1311.02 Definitions.** Unless the context clearly indicates otherwise, the following words and phrases have the meanings given in this Subsection.

**Peddler.** Any person with no fixed place of business who goes from residence to residence, from place to place, or from street to street, carrying or transporting goods, wares or merchandise and offering or exposing the same for sale, or making sales and deliveries to their purchasers. It does not include vendors of milk, bakery products or groceries who distribute their products to established customers.

**Solicitor.** Any person who goes from residence to residence soliciting or taking or attempting to take orders for the purchase of goods, wares or merchandise, including magazines, books, periodicals and personal property of any nature whatsoever for future delivery, or orders for the performance of maintenance or repair services in or about the home or place of business, such as furnace cleaning, house painting, roof repair or blacktopping.

**Peddling; Soliciting.** The act of being a peddler or solicitor.

**1311.03 Permit Required; Approval; Duration** No peddler or solicitor shall engage in business activities in the City without first having received a permit as provided in this Section. Each person engaged as a peddler or solicitor must secure a personal permit that shall not be transferable to another individual. The provisions of Section 160 of this Code shall apply to permits required by this Section and to the holders of such permits; except that applications for permits shall be filed with the Police Department and permits shall be issued or denied by the Police Chief. Applications for a permit shall be on forms provided by the Police Chief and shall be accompanied by a fee in the amount set forth in Section 185 of this Code. In addition to the information required by Section 160 of this Code, each applicant shall provide the following:

- A. A physical description of the applicant
- B. A brief description of the nature of the business and the goods or services to be sold
- C. The name, address and telephone number of the employer, principal or supplier of the applicant
- D. The dates for which the right to do business is desired
- E. A recent photograph of the applicant

F. A statement as to whether the applicant has been convicted of any crime, misdemeanor, or violation of any ordinance other than traffic violations, including the nature of the offense and the penalty or punishment assessed therefore

If the application is approved by the Police Chief, the applicant shall be issued a permit/identification card which must be clearly displayed on the front of the peddler or solicitor's outer garment when conducting business in the City. The permit/identification card is non-transferable. The permit shall be valid for not more than 14 calendar days, which days must be consecutive and begin within 30 calendar days of the date the permit was issued.

#### **1311.04 Exemption Activities; Registration.**

**Subd. 1 Registration Required.** The provisions of Subsection 1311.03 do not apply to peddling or soliciting by non-profit organizations established for philanthropic, religious or educational purposes. Such organizations must register with the Police Department on forms provided by the Police Chief. The application for registration shall be accompanied by a fee as set forth in Section 185 of this Code. If the Police Chief concludes that the organization is a bona fide non-profit organization for philanthropic, religious or educational purposes, he shall accept the registration application and the organization may peddle or solicit in the City without a permit as required by Subsection 1311.03. Registrations shall be valid for a period of 90 days. All individuals peddling or soliciting on behalf of an organization which has registered with the City must carry on their person a government issued identification such as a driver's license and written credentials stating the name of the organization and its purpose. All persons shall comply with the provisions of Subsections 1311.06 and 1311.07 even if they are exempt from the requirements of Subsection 1311.03. The provisions of Section 160 of this code shall apply to registrations required by this Subd. 1.

**Subd. 2 Exempt Activities.** The provisions of Subsection 1311.03 and Subd 1 of this Subsection 1311.04 do not apply to persons selling personal property at wholesale to dealers of such articles, nor to newspersons, nor to the act of merchants or their employees in delivering goods to established customers in the regular course of business, nor to the sale of farm or garden produce by the person producing same, nor to the sale of goods or admissions to events by K-12 students where the proceeds of such sales benefit a program or activity in which the student is involved, nor to the employees of bakery, dairy or grocery delivery services who make an uninvited initiatory visit in an effort to establish a regular route service for future delivery of perishables. All persons described in this Subd 2 shall comply with the provisions of Subsections 1311.06 and 1311.07 even if they are exempt from the requirements of Subsection 1311.03 or Subd 1 of this Subsection 1311.04.

**1311.05 Denial of Permit Application or Registration Application.** In addition to the provisions of Section 160 of this Code, the following shall constitute grounds for denial of the permit application or registration application:

A. Past fraud, misrepresentation or misstatement made in the course of carrying on business as a peddler or solicitor

B. Conviction of any crime or crimes directly related to carrying on business as a peddler or solicitor, as provided in M.S. 364.03, Subd. 2, where the applicant has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties and responsibilities, as provided in M.S. 364.03, Subd. 3. Crimes that are considered to be directly

related to the business of peddling and soliciting include but are not limited to crimes involving assault, criminal sexual conduct, burglary, robbery, fraud, theft or moral turpitude.

C. Revocation of a past permit issued under this Section.

D. Past violations of any provision of this Section.

**1311.06 Restrictions.** In addition to the requirements of Section 160 and other provisions of this Code, no peddler or solicitor shall:

A. Engage in peddling or soliciting without clearly displaying on the peddler or solicitor's front outer garment the permit/identification card issued by the City, if a permit is required by Subsection 1311.03.

B. Conduct business before 9 AM or later than 8 PM.

C. Violate Subsection 1311.07 hereof.

D. Walk on or about any side or rear yard or attempt to make contact at any point other than the main point of entrance or front door of a residence.

E. Fail to promptly depart from the premises following completion of a transaction or following an unsuccessful attempt to contact the resident of the premises.

F. Commit any act or conduct constituting harassment, a nuisance, theft, deceit, or menacing or otherwise unlawful activities or violate any other provisions of this Code or State law.

**1311.07 Peddlers and Solicitors May be Prohibited by Placard.** Any property owner or occupant who wishes to exclude peddlers or solicitors from their premises may place upon or near the principal entrance to the premises a printed placard or sign bearing the following notice: "Peddlers and Solicitors Prohibited". The placard or sign shall be at least 3-3/4 inches long and 3-3/4 inches wide and the printing shall not be smaller than 48 point type. No peddler or solicitor, including those exempt from permit requirements as provided in Subsection 1311.05, shall enter upon any premises, ring any doorbell, or knock on any door where a placard or sign is posted, unless the peddler or solicitor has been previously invited by the owner or occupant. No person other than the owner or occupant of the premises shall remove, injure or deface the placard or sign."

*History: Ord 1303 codified 1970; amended by Ord 1303-A1 11-8-73, Ord 2005-11, 10-18-2005 repealing Section 1310, enacting Section 1311*

*Croff Reference: Section 1315*